

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE: BROILER CHICKEN GROWER
ANTITRUST LITIGATION (NO. II)

This document relates to all actions.

Case No. 6:20-MD-02977-RJS-CMR

Chief Judge Robert J. Shelby

Magistrate Judge Cecilia M. Romero

**JOINT MOTION FOR EXTENSION OF TIME TO FILE
MOTIONS SEEKING TO MAINTAIN MATERIALS UNDER SEAL**

Pursuant to Local Rule 7.1(i), the parties, by their attorneys, respectfully submit this joint motion requesting an extension of time for any interested party or non-party to submit a motion seeking to maintain under seal specific discovery materials (documents or testimony) that are discussed in the below identified submissions.

On March 17, 2023, the parties filed the following motions: (i) Plaintiffs’ Motion for Class Certification (“Class Motion”); (ii) Plaintiffs’ Motion to Exclude Certain Opinions Offered by Pilgrim’s Proffered Experts (“Plaintiffs’ *Daubert* Motion”); and (iii) Defendant Pilgrim’s Pride Corporation’s Motion to Exclude Certain Opinions of Plaintiffs’ Expert Witness Hal J. Singer Pursuant to Federal Rule of Evidence 703 (“Pilgrim’s *Daubert* Motion”). Concurrently with the submission of the motions, the moving party requested that the motion papers be provisionally filed under seal because each motion relied upon information that was designated as confidential by a producing party or non-party during discovery. The court granted these requests on March 21, 2023. *See* ECF Nos. 450-52. Pursuant to the operative protective order in this above-captioned action (the “Protective Order”), “the designating party shall have twenty-one (21) days to file a [motion to maintain seal as] required by Local Rule 79.1.” ECF No. 309 at ¶ 9.

The parties and interested non-parties are presently engaged in meet and confer discussions concerning the materials designated as Highly Confidential and Confidential under the Protective Order that were filed on the docket and/or referenced, quoted, paraphrased, cited, used, or relied upon in the parties' motions to reach agreement on redactions and with an eye toward narrowing the scope of any potential motion to maintain seal. The orders permitting the motions to be provisionally filed under seal, however, initially appeared to set different deadlines for filing a motion to maintain materials under seal: the two orders addressing Plaintiffs' motions direct the parties to notify the Court in advance of the April 17, 2023 status conference as to the Designating Parties' positions regarding the confidentiality designations, whereas the remaining order directs Pilgrim to submit a redacted set of its motions papers within twenty-one (21) days of the order. On April 4, 2023, Pilgrim submitted an unopposed motion requesting that any confidentiality issues concerning Pilgrim's *Daubert* Motion be resolved on the same schedule as the Class Motion and Plaintiffs' *Daubert* Motion (ECF No. 459), which motion the Court granted on April 6, 2023 (ECF No. 461). Notwithstanding this request, certain non-parties are concerned that they must file a motion to seal no later than April 7, 2023.

Accordingly, for clarity and in an abundance of caution, the parties jointly request an extension of time for any party or non-party to file any motions to maintain materials under seal and to allow the parties and non-parties an opportunity to resolve confidentiality issues via the ongoing meet and confer discussions. The parties therefore respectfully request that any motion to maintain under seal any materials designated as Highly Confidential or Confidential under the Protective Order that were filed and/or referenced, quoted, paraphrased, cited, used, or relied upon used with respect to the Class Motion, Plaintiffs' *Daubert* Motion, or Pilgrim's *Daubert* Motion be due no later than May 12, 2023.

A proposed order is attached at Exhibit A to this joint motion.

Dated: April 7, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on April 7, 2023, I electronically filed the foregoing Joint Motion for Extension of Time to File Motions Seeking to Maintain Materials Under Seal with the Clerk of this Court via ECF which will send notification of such filing to all counsel of record.

/s/ Daniel J. Walker

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(admitted *pro hac vice*)